

PROB 12B
(Rev. 09/03)

UNITED STATES DISTRICT COURT

for

DISTRICT OF OREGON

PETITION AND ORDER
FOR MODIFICATION OF
CONDITIONS OF
PROBATION

U.S.A. vs. KALISKA ROSE RUBIO

FILED 09 MAY 15 16 03 USC-ORP

Docket No. CR 07-524-01-KI

Petition on Probation and Supervised Release

COMES NOW LUCINDA PALMER, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Kaliska Rose Rubio, who was placed on supervision by The Honorable Garr M. King sitting in the Court at Portland, Oregon, on the 11th day of July, 2008, who fixed the period of supervision at 5 years,* and imposed the general terms and conditions theretofore adopted by the Court.

*Term of supervised release commenced on July 11, 2008.

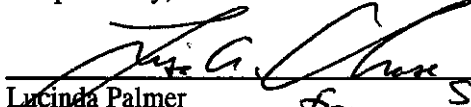
RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 15, 2008, I notified Your Honor that Rubio had associated with a felon, Gunner Bailey. Bailey and Rubio were in a car and the police found a loaded gun, which the police attributed to Bailey. Rubio was not charged. As Rubio was on Warm Springs Tribal probation, I recommended that any violation sanction be waived in lieu of the sanction ordered by the Tribal Court, which was 20 days jail. I also directed Rubio to have no further contact with Gunner Bailey.

On February 21, 2009, Rubio was again found in a vehicle with Gunner Bailey. She stated she had accepted a ride from him only due to her own transportation problems. Our department decided to hold this violation in abeyance for 30-45 days to see if Rubio could improve her supervision performance. She was able to do well during this period of time, so we again discussed this violation with Rubio in light of her good performance. Rubio and this writer agreed that an appropriate sanction for this violation would be community service work. As such, Rubio has agreed to perform 150 hours of community service work in lieu of a formal violation hearing regarding this violation as evidenced by the attached waiver indication her acceptance of this condition and waiving her right to counsel.

PRAYING THAT THE COURT WILL ORDER upon consideration of factors set forth in 18 USC § 3553(a), that the defendant shall perform 150 hours of volunteer community service work at the direction of the probation officer.

Respectfully,


Lucinda Palmer
Senior U.S. Probation Officer


SUSPO

Place: Bend, Oregon

Date: May 14, 2009

ORDER OF THE COURT

Considered and ordered this 15 day of May, 2009, and ordered filed and made a part of the records in the above case.


The Honorable Garr M. King
U.S. District Judge

04/17/2009 09:58 FAX 503 326

U.S. Probation-Portland

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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON—PROBATION OFFICE**

**WAIVER OF HEARING TO MODIFY CONDITIONS
OF PROBATION/SUPERVISED RELEASE**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release.

The defendant shall perform 150 hours of volunteer community service work at the direction of the probation officer.

Witness:

Gracinda Palmer
U.S. Probation Officer

Signed:

X Kaliska Rose Rubio
Probationer or Supervised Releasee

Date:

5.13.09

REC'D BY <u><i>gen</i></u>	
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